

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LISA MONTGOMERY,

Defendant.

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Case No. 05-6002-CR-SJ-GAF

ORDER

Now pending before the Court is Defendant Lisa Montgomery's Motion to Strike Aggravating Factor Related to Danger to Another Person (Doc.#186); Defendant's Motion to Strike Aggravating Factor Related to Killing During Kidnaping (Doc. #187); and Defendant's Motion to Prohibit Seeking the Death Penalty Due to Inability of Government to Establish Essential Element That Death Results From Kidnaping (Doc. #188).

On September 10, 2007, United States Magistrate Judge John T. Maughmer issued his Report and Recommendation (Doc. #268). On September 13, 2007, Defendant Lisa Montgomery filed her Objections to the Magistrate's Report and Recommendation.

Upon careful and independent review of the pending motions and suggestions in support thereof, Defendant's objections to the Magistrate's Report and Recommendation, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of United States Magistrate Judge John T. Maughmer.

Accordingly, it is hereby ORDERED that Defendant Lisa Montgomery's Motion to Strike Aggravating Factor Related to Killing During Kidnaping Due to Duplication of Element of Offense (Doc. #185); Motion to Strike Aggravating Factor Related to Danger to

Another Person (Doc. #186); Motion to Strike Aggravating Factor Related to Killing During Kidnaping (Doc. #187); and (4) Motion to Prohibit Seeking the Death Penalty Due to Inability of Government to Establish Essential Element That Death Results From Kidnaping (Doc. #188) are OVERRULED and DENIED.

IT IS SO ORDERED.

s/ Gary A. Fenner
GARY A. FENNER, JUDGE
UNITED STATES DISTRICT COURT

DATED: September 17, 2007